

IN THE UNITED STATES DISTRICT COURT
FOR THE MIDDLE DISTRICT OF TENNESSEE
NASHVILLE DIVISION

OSWALD URBAN NELSON)
)
)
v.) NO. 3-12-0814
) JUDGE CAMPBELL
LOIS DEBERRY SPECIAL NEEDS,)
et al.)

ORDER

Pending before the Court are a Report and Recommendation of the Magistrate Judge (Docket No. 38) and Objections filed by the Plaintiff (Docket No. 41).

Pursuant to 28 U.S.C. § 636(b)(1), Fed. R. Civ. P. 72(b)(3) and Local Rule 72.03(b)(3), the Court has reviewed *de novo* the Report and Recommendation, the Objections, and the file. The Objections of the Plaintiff are overruled, and the Report and Recommendation is adopted and approved.

Accordingly, the Motion to Dismiss filed by Defendant Powell (Docket No. 27) is GRANTED, and this action is DISMISSED for failure to exhaust administrative remedies. The Clerk is directed to close the file. Any other pending Motions are denied as moot.

Any appeal of this Order would not be taken in good faith. 28 U.S.C. § 1915(a)(3). Therefore, the Plaintiff is not certified to pursue an appeal in forma pauperis. *Id.*

IT IS SO ORDERED.

Todd Campbell
TODD J. CAMPBELL
UNITED STATES DISTRICT JUDGE